



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,266	02/05/2002	Kenji Fukasawa	MIPFP003	2068

25920 7590 12/26/2007
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
----------	--------------

2628

MAIL DATE	DELIVERY MODE
-----------	---------------

12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/072,266	Applicant(s) FUKASAWA, KENJI	
	Examiner Antonio A. Caschera	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-38, 43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-38, 43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/20/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 12, 28 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In reference to claims 12, 28 and 38, the claims comprise of subject matter that was not present in the originally filed specification and that was amended into the claims with the amendment filed 02/27/07. Specifically, the amendment of 02/27/07 added the limitation, "...computer-readable medium encoded with a computer program..." (see preamble of claims 12, 28 and 38 respectively) which was not present in the originally filed specification. The Office acknowledges that such an amendment was made to satisfy an informality with 35 USC 101 language in accordance with the Office's practices and procedures at that time however with

the current practices and procedures of the Office, the specific "...computer-readable medium encoded with a computer program..." is not explicitly recited within the specification and therefore brings up a new matter situation. The Applicant should recite these claims as explicitly presented in the specification in reference to the program and its associated storage device.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10, 12-38 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to claims 1, 12, 13, 14, 25-29, 33, 34 and 38, claims 1, 12, 13, 14, 25-29, 33, 34 and 38 recite the limitation of the outputting of generated image data to at least one of a plurality of output devices or an image processing device (see claim 1, for example lines 1-2 and last lines of "output control data acquisition mechanism" limitation). Therefore claims 1, 12, 13, 14, 25-29, 33, 34 and 38 create a scenario wherein image data and output control data, in a same file, are output to an image processing device without being output to any of the plurality of output devices and then proceeds to recite limitations involving the outputting of data to at least one of the plurality of output devices. Therefore in such a scenario, the limitations recited that are further associated with the plurality of output devices outputted thereto lack correct antecedent basis and are therefore deemed indefinite by the Office. As per prior art rejections, the Office will continue to reject the claims based upon the broadest interpretation of the claim language however a modification to the claims is required to remedy this issue. Note, claims

dependent upon claims 1, 12, 13, 14, 25-29, 33, 34 and 38 also inherently suffer from such an issue are therefore included in the above rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9, 10, 12-16, 22-30, 33-35, 38, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent 5,982,416) in view of Inoue et al. (U.S. Patent 6,273,535 B1).

In reference to claims 1, 13, 14, 25-27 and 45, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to

color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Note, the Office interprets Ishii et al. to disclose outputting to an output device when Ishii et al. discloses outputting profile characteristic data multiplexed with image data (see column 5, lines 21-24 and Figure 4). Also, Ishii et al. explicitly discloses embedding characteristic data (profile data) based on the type of output device with image data (see column 7, lines 32-34). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34). Although Ishii et al. discloses outputting profile characteristic data including color space compression instructions, Ishii et al. does not explicitly disclose outputting output control data designating image processing conditions to be carried out by each of a plurality of output devices. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related

to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). Although Inoue et al. discloses transmitting both image data and image additional data, comprising the printing processing parameters in color mode and processing information, to the printing device as per a printer request (see column 4, lines 35-56), Inoue et al. does not explicitly disclose embedding such data together in a single file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to embed such closely related data together in some sort of single piece of data for transmission or storage in order to 1) better organize the storage/retrieval of data in memory thereby creating faster memory accesses and a more efficient system and 2) conserve bandwidth by allowing for numerous compression techniques to be applied to the embedded data thereby creating a more efficient computing system overall. Note, the claims, except for claim 45, specifically recite "...generating image data to be outputted by one or more of a plurality of output devices..." (see lines 1-2 of the claims) which the Office interprets Ishii et al. to disclose generating to output to multiple devices (i.e. the printer and monitor of Ishii et al.) while Inoue et al. discloses outputting a single output device (i.e. printer).

In reference to claims 2 and 15, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Inoue et al. discloses an image

forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). Note, the Office takes the broadest interpretation of the claims and therefore selects the scenario, as defined by the limitation of "...outputting data to one or more of a plurality of output devices..." (see claims 1 and 14 from which claims 2 and 15 depend upon respectively) that only one output device is chosen for outputting data thereto. Therefore, in view of such an interpretation and further since there is only a single output printer device as parameterized by the processing commands of the image additional information in Inoue et al., the Office interprets the combination of Ishii et al. and Inoue et al. to disclose all of the claim limitations as applied to claims 2 and 15 respectively.

In reference to claims 3 and 16, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). The Office interprets the output device corresponding CMS process unit acting functionally equivalent to the designating mechanism of Applicant's claims since it must choose the correct profile for each output device designated to received image data (see column 4, lines 20-30).

In reference to claims 9 and 22, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above in addition, Inoue et al. discloses an

image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of Figure 1). Inoue et al. further discloses an output device, in this case a printer device, requesting a digital camera transfer image data and image additional information stored in the image memory via a communication unit (see column 4, lines 36-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claims 10 and 23, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Inoue et al. discloses an image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of Figure 1). Inoue et al. further discloses the input device, or digital camera, storing the image data along with the image additional information, which provides color processing to be performed, the image additional information comprising color mode information and color processing information which are explicitly stated as being related to printing and are

obtained/generated upon image sensing (see column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claims 12 and 28, claims 12 and 28 are equivalent in scope to claims 1, 13, 14 and 25-27 and are therefore rejected in a similar manner. In addition, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claim 24, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claim 14 above. Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16).

In reference to claims 29, 33 and 34, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both generate image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Note, the Office interprets Ishii et al. to disclose outputting to an output device when Ishii et al. discloses outputting profile characteristic data multiplexed with image data (see column 5, lines 21-24 and Figure 4). Also, Ishii et al. explicitly discloses embedding characteristic data (profile data) based on the type of output device with image data (see column 7, lines 32-34). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for

embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34). Although Ishii et al. discloses outputting profile characteristic data including color space compression instructions, Ishii et al. does not explicitly disclose outputting output control data designating image processing conditions to be carried out by each of a plurality of output devices. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.). Note, the Office takes the broadest interpretation of the claims and therefore selects the scenario, as defined by the limitation of "...outputting data to one or more of a plurality of output devices..." that only one output device is chosen for outputting data thereto. Therefore, in view of such an interpretation and further since there is only a single output printer device as parameterized by the processing commands of the image

additional information in Inoue et al., the Office interprets the combination of Ishii et al. and Inoue et al. to disclose all of the claim limitations as applied to claims 29, 33 and 34 respectively.

In reference to claims 30 and 35, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 29 and 34 respectively above. Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Note, the Office believes the apparatus of Ishii et al. inherently acquires new or different profile data when the output device, the target device receiving the processed image data, is changed. Inoue et al. discloses an image memory for storing image data along with image additional information which comprises the color mode information and color processing information as previously discussed (see column 4, lines 6-16 and #5, 6 of Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claim 38, claim 38 is equivalent in scope to claims 29, 33 and 34 and is therefore rejected in a similar manner. In addition, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the output processing

setting techniques of Inoue et al. with the CMS profile processing techniques of Ishii et al. in order to allow for an output device of an image reproduction system to perform various processing upon image data optimized via embedded data resulting from input parameters yielding an optimal output result (see column 4, lines 53-56 of Inoue et al.).

In reference to claim 43, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claim 1 above. Inoue et al. discloses an image forming system and apparatus that stores image information with parameters of color processing to be performed by an output device, in this case, the output device being a printer, the color processing parameters being color mode information and color processing information which are explicitly stated as being related to printing and are obtained upon image sensing (see column 1, lines 6-10, column 4, lines 6-19, 42-53 and column 5, lines 11-14).

5. Claims 4-8, 17-21, 31, 32, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent 5,982,416), Inoue et al. (U.S. Patent 6,273,535 B1) and further in view of Kohler et al. (U.S. Patent 5,646,752).

In reference to claims 4, 17, 31, 32, 36 and 37, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 2, 15, 29, 30 and 34 respectively above however, neither Ishii et al. or Inoue et al. explicitly disclose identifying at least one classification selected from a group of classifications consisting of output device category, output device format, manufacturer, and output device model name. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a "DeviceModel" tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to implement the device profile formatting of Kohler et al. with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al. in order to allow for customizable data to be stored and represented in device profiles, aiding in color transformation processing of image data (see column 2, lines 7-41 of Kohler et al.). Note, in reference to claims 31 and 36, the Office interprets that the tag information of Kohler et al. inherently identifies and is designated to each device. Note, in reference to claim 32 and 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 5, 6, 18 and 19, Ishii et al. and Inoue et al. disclose all of the claim limitations as applied to claims 3 and 16 above however, neither Ishii et al. or Inoue et al. explicitly disclose the output device CMS process unit acquiring profile or device data with reference to a classification level. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a "DeviceModel" tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS

processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 7 and 20, Ishii et al., Inoue et al. and Kohler et al. disclose all of the claim limitations as applied to claims 4 and 17 respectively above. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Kohler et al. discloses the profiles comprising of a "DeviceModel" tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the output processing setting techniques of Inoue et al. and CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 8 and 21, Ishii et al., Inoue et al. and Kohler et al. disclose all of the claim limitations as applied to claims 7 and 20 respectively above. Neither Ishii et al., Inoue et al. or Kohler et al. explicitly disclose the output formats including xerographic printing, sublimation printing, ink jet printing, CRT display, LCD display, projection display, transmissive display, and reflective display formats. At the time the invention was made, it would have been

obvious to one of ordinary skill in the art to include the above specific output formats in the CMS profile format and processing techniques of Ishii et al., Inoue et al. and Kohler et al.. Applicant has not disclosed that supporting these specific output formats provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the monitor and printer profiles of Ishii et al. and Inoue et al. because the Office interprets the exact output format that image data is transformed into to be a matter decided by the inventor as to which best suits the applicant at hand. Further, the specific manner in which the image data is ultimately displayed or printed is seen to provide no immediate criticality to the application at hand. Therefore, it would have been obvious to one of ordinary skill in this art to modify the combination of Ishii et al., Inoue et al. and Kohler et al. to obtain the invention as specified in claims 8 and 21.

Response to Arguments

6. In view of the pre-appeal brief conference request filed on 09/18/07 and the pre appeal conference decision filed on 10/15/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

7. The cancellation of claim 46 is noted.

8. Applicant's arguments, see pages 2-5 of Applicant's Remarks, filed 09/18/07, with respect to the rejection(s) of claim(s) 1-10, 12-38, 43, 45 and 46 under 35 USC 103(a), in view of Ishii et al., Ohta and Kohler et al., have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ishii et al., Inoue et al. and Kohler et al. Note, the arguments of 09/18/07 are directed towards the combination of Ishii et al. and Ohta and have been successful in overcome such a combination. The Kohler et al. reference was not discussed and therefore is still applied herein to the new combination of Ishii et al. and Inoue et al. with some arguments being directed towards Ishii et al. as rebutted below.

9. Applicant's arguments filed 09/18/07 have been fully considered but they are not persuasive.

In reference to the independent claims, Applicant argues the interpretation of Ishii et al.'s CMS process unit as recited in the rejection above (see pages 2-3 of Applicant's Remarks under "Argument No. 2..."). In particular, Applicant states, "The claimed configuration associates image data with output control data upon image shooting..." (see page 2 of Applicant's Remarks under "Argument No. 2...") and seems to argue that the image generating device and processing device are not physically separate, as in the prior art. Firstly, in response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e., associating image data with output control upon image shooting) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The limitations of image data generating and acquiring mechanisms cannot be, without looking further into the specification, themselves associated with "image shooting." Further, taking the invention of Ishii et al. as a whole and interpreting such as the "image data generating device" of Applicant's claims fairly satisfies, taking the broadest interpretation of the claims, the "physically separate" argument presented by Applicant. Therefore, the Office maintains Ishii et al. as a reference applied to the claims of the current application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Application/Control Number:
10/072,266
Art Unit: 2628

Page 19

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac



12/18/07

Antonio Caschera
Patent Examiner



KEE M. TUNG
SUPERVISORY PATENT EXAMINER